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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,456	04/15/2004	Michael P. Cunningham	65042-0443	8332
7590	09/01/2005			
RADER, FISHMAN & GRAUER PLLC MICHAEL B. STEWART 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304			EXAMINER GUTMAN, HILARY L	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 09/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/825,456

Applicant(s)

CUNNINGHAM ET AL.

Examiner

Hilary Gutman

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 9-13, 16-19 and 22 is/are rejected.
- 7) ☒ Claim(s) 2, 7, 8, 14, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claim 15 is hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 8/10/05.

2. Applicant's election with traverse of species B in the reply filed on 8/10/05 is acknowledged. The traversal is on the ground(s) that the examiner would not be seriously burden with the search, and examination of another embodiment and additional claims. This is not found persuasive because the further search for the alternate species and the further interpretation, consideration, and examination of additional claims is believed to seriously burden the examiner. The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the external component of claim 10; and the lever, nut, and wheel of claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

Art Unit: 3612

should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because in Figure 9, reference number 30 should be 30'. In Figure 12, reference number 20 should be 20'. In Figure 13, reference number 32 should be 32'. In Figure 14, reference number 30 should be 30'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

Art Unit: 3612

“Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “43” has been used to designate both the non-circular cross section and the ear in Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 70. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing

Art Unit: 3612

date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

7. The disclosure is objected to because of the following informalities:

On page 5, [0036], line 5, "of" should be inserted after "47".

On page 7, [0039], line 5, "planer" should be "planar".

On page 7, [0039], ear 37 was previously tab 37.

Appropriate correction is required.

### *Claim Objections*

8. Claims 3-4, 6, and 11-12 are objected to because of the following informalities:

In claim 3, line 4, "member" should be "component".

In claim 4, lines 2 and 4, "member" should be component".

In claim 6, line 2, "member" should be "component".

In claim 11, line 2, "member" should be component".

In claim 12, line 4, "member" should be "component".

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3-6, 9-13, 16-19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammond et al.

Hammond et al. (6,585,465) disclose a tie down cleat assembly for engagement with a mating component, the mating component including a channel 20, comprising: a pin 42 extending along a generally longitudinal axis and having a first end and a second end; a lock plate 48 adjacent said second end; a housing 38, 44, said housing having an aperture (Figure 5), said pin extending through said aperture with said pin, said lock plate and said housing configured such that rotation of one of said pin and said lock plate about said longitudinal axis results in a corresponding rotation of the other of said pin and said lock plate, and an actuating member 38 operationally connected to said pin and causing selective movement of said pin and said lock plate between a secured and an unsecured orientation to secure the mating component between said housing and said lock plate, said lock plate being received in the channel in said secured orientation.

With regard to claim 9, the housing includes at least one base plate member 44 and at least one tie down member 38

For claim 12, reference number 44B can represent a protrusion.

With regard to claim 16, the actuating member is a lever.

For claim 18, Hammond et al. (6,585,465) disclose a securement mechanism comprising: a locking member, said locking member including a channel 20 defined by opposing side walls and a bottom surface disposed between said side rails, a leg extending inwardly from a free end of each of said side rails; a tie down cleat including a pin 42 extending along a generally longitudinal axis, a lock plate 48 adjacent said second end, said lock plate having a first dimension and a second dimension, said first dimension greater than said second dimension, said second dimension less than the distance between ends of said legs of said locking member and said first dimension greater than the distance between said ends of said legs, a housing 38, 44, said housing having an aperture (Figure 5), said pin extending through said aperture, with said pin, said lock plate and said housing configured such that rotation of said one of said pin, said lock plate and said housing results in a corresponding rotation of the other two of said pin, said lock plate and said housing, and an actuating member 38 operationally connected to said in and causing selective movement of said pin and said lock plate between a secured and an unsecured orientation to clamp said legs of said locking member between said housing and said lock plate when a portion of said lock plate including said first dimension is within said channel of said locking member and under said legs.

***Allowable Subject Matter***

11. Claims 2, 7-8, 14, and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**or:**

(571) 273-6662, (for informal or draft communications, please clearly label



Hilary Gutman

"PROPOSED" or "DRAFT").

August 30, 2005